IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.5629 of 2005

Date of Decision : 20.08.2007

Jagir Singh.

... Petitioner

Versus

Hans Raj and another.

... Respondents

CORAM : HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. Ashok Arora, Advocate,
for the petitioner.

Mr. Ashwani Verma, Advocate,
for the respondents.

S.D. Anand, J.

A plea preferred by the plaintiff-petitioner for being allowed to adduce additional evidence was declined by the learned Trial Court. By means of aforesaid plea, the plaintiff-petitioner wanted to obtain the leave of the Court to examine a hand-writing expert after he had compared the signatures of defendant-respondent on the impugned agreement. The Court declined to entertain the plea by observing that the plea raised by the defendant-respondent in denial of the impugned agreement had been taken up in the written statement and the plaintiff-petitioner cannot validly request for additional evidence when the trial is almost concluded.

I have heard learned counsel for the parties and have carefully gone through the file.

The plaint in the suit was filed on 06.10.2000. The written statement was filed on 13.12.2001. The defendant was examined on 16.08.2004. The present application was filed before the learned Trial Court on 16.02.2005. These facts are beyond the pale of controversy.

In the suit filed by the plaintiff-petitioner for the specific performance of the impugned agreement, the defendant-respondent had denied the fact of the impugned agreement in the written statement itself. The plaintiff-petitioner concluded evidence. Even the defendant-respondent was examined on 16.08.2004. In the course thereof as well, the defendant-respondent reiterated the plea taken in the written statement. The trial is at the fag end and is mature for disposal. A plea preferred for additional evidence at this stage of the matter cannot be said to be bona fide and valid.

The reliance placed by the learned counsel for the petitioner upon 1997(1) Civil Court Cases, 667 (Ram Singh versus Pirthi and others) is inappropriate as the law laid down in that ruling is not applicable to the facts and circumstances of the present case.

Dismissed.

August 20, 2007 (S.D. Anand)
vkd Judge